

REMARKS

Claims 1-5, 7 and 9-17 are all the claims pending in the application. Of these claims, claims 1, 7, 9, 11-15 and 17 are rejected under 35 U.S.C. § 1029b) as being anticipated by Brechel, et al. (U.S. Patent No. 6,199,350). Claims 2-5, 10 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brechel.

By way of this Amendment, Applicant has amended independent claim 1, canceled claims 11-16 and added new claim 18. For the following reasons, it is submitted that all claims patentably distinguish over the prior art.

With respect to claim 1, Brechel discloses a membrane valve 47 which is connected to the vacuum source and is controlled by the supply line 49. The opening or closing of valve 47 is controlled by the pressure generated inside the supply line 49. Means for generating vacuum inside the supply line 49 must be electronically connected to the control unit 10 in order to operate in synchronism with the functioning of the evacuation and stopper insertion unit 35.

With regard to the invention, after the top end of the neck of the bottle with the cap position thereon has entered the casing, as the lowering of the capping head 5 proceeds, spring 35 is compressed so that a relative movement between the valve body 34, which is fixed to the casing 31, and the valve element 37, which is fixed to the stem 9 carrying the capping head 5, occurs. This movement causes connection of the internal chamber 30 of the tubular casing 31 to the source of negative pressure. Thus, according to the invention, fluid communication between the closed chamber and the source of vacuum is controlled in direct dependence on the relative position of the casing with respect to the capping head and therefore in direct dependence of the

Amendment Under 37 C.F.R. § 1.111
Serial No.: 10/799,888
SUGHRUE MION, PLLC Ref: Q79842

relative position of the capping head 5 with respect to the bottle. The configuration of the means for connecting according to the invention proves more simple and reliable because their activation is entirely mechanical and no electric control means are necessary thereto.

Thus, it is submitted that independent claim 1, and its dependent claims, patentably distinguish over Brechel.

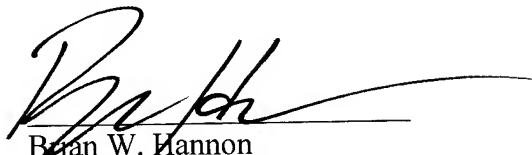
With respect to new claim 18, Brechel does not disclose the casing being mounted on the structure of the capping head with the interposition of rolling bearings, and the capping head including means for imparting rotation to said caps. The capping head device as claimed herein is not obvious in view of Brechel as the rolling bearings and the means for imparting rotation to the caps provide the capping head with a function Brechel does not even suggest i.e. deforming the cap for copying thereon the thread provided on the bottle.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
Serial No.: 10/799,888
SUGHRUE MION, PLLC Ref: Q79842

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Brian W. Hannon
Registration No. 32,778

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 24, 2007